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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 JOHN LITTLE,

10 Plaintiff,

11 v.

12 DAVE OSTER et al.,

13 Defendants.
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Case No. CV08-0101-RAJ-JPD

ORDER OF DISMISSAL

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16 The Court, having reviewed the defendants' motion for summary judgment in this
17 42 U.S.C. § 1983 civil rights action, together with all materials in support of and in opposition
18 to that document, the Report and Recommendation of United States Magistrate Judge James P.
19 Donohue, the governing law and balance of the record, does hereby find and ORDER:

- 20 (1) The Court adopts the Report and Recommendation. The court notes that the copy of
21 the Report and Recommendation mailed to Plaintiff was returned to the court by the
22 correctional center in which Plaintiff was incarcerated. Plaintiff has been released from
23 that institution, and has not updated the court regarding his new address.
- 24 (2) Defendants' motion for summary judgment (Dkt. No. 15) is GRANTED and plaintiff's
25 complaint (Dkt. No. 6) and this action are DISMISSED with prejudice. This dismissal
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1 will count as a "strike" under 28 U.S.C. § 1915(g). The clerk shall enter judgment
2 consistent with this order.

3 (3) The Clerk is directed to send copies of this Order to the parties and to Judge Donohue.
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5 DATED this 24th day of November, 2008

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8 The Honorable Richard A. Jones
9 United States District Judge
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